

Council Communication

Department: Police/Legal Case/Project No. Applicant's: Ralph O'Donnell & Richard Wade	Ordinance No. <u>6077</u>	First Reading <u>4/26/2010</u> Second Reading <u>5/10/2010</u> Third Reading _____
SUBJECT/TITLE		
<p>An Ordinance to amend Chapter 3.44 "Pawnbrokers" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 3.44.080 "Recording absolute purchases – Holding period for inspection", and enacting a new Section 3.44.080, to be entitled "Recording absolute purchases and pledged items – Holding period for inspection".</p>		
BACKGROUND		
<p>As required by the current ordinance, once a week the Police Department receives from each pawnbroker a list of all transactions from the previous week. The Police Department in turn runs all serial numbers through NCIC to check for stolen items. Any stolen item that has been reported is then recovered. Currently, pawnbrokers who purchase an item, hold this item for thirty days before being allowed to re-sell it. This hold period, however, does not apply to items which are "pledged" (taken by a pawnbroker as collateral for a short-term loan).</p> <p>Recently, a \$200 iPod was pledged at a local pawnbroker. The person returned to the pawnbroker three days later, paid off the loan, and the iPod was returned to the customer. Two days after that, this transaction, along with the rest of the week's business, was turned in to the Police Department. When it was discovered that the iPod had been reported stolen a week before the pledge, the Police Department contacted the pawnbroker to recover the iPod and was informed that the iPod had already been returned to the customer.</p> <p>The purpose of this ordinance is to require a hold period on pledged items as well as absolute purchases. A period of 15 days is recommended.</p>		
RECOMMENDATION		
<p>It is the recommendation of the Police Department, with concurrence from the Legal Department, that this ordinance be approved.</p>		

Department Head Signature

Mayor Signature

ORDINANCE NO. 6077

AN ORDINANCE to amend Chapter 3.44 "Pawnbrokers" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 3.44.080 "Recording absolute purchases - Holding period for inspection", and enacting a new Section 3.44.080, to be entitled "Recording absolute purchases and pledged items – Holding period for inspection".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 3.44 "Pawnbrokers" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 3.44.080 "Recording absolute purchases - Holding period for inspection" and enacting a new Section 3.44.080 "Recording absolute purchases and pledged items - Holding period for inspection", to read as follows:

"3.44.080 Recording absolute purchases and pledged items - Holding period for inspection. Every pawnbroker shall, ~~on the absolute~~ upon purchases of any personal property, ~~or any property received on pledge, enter the same in the register. in the same manner as property received on pledge, and shall~~ The pawnbroker shall for thirty days after the purchase ~~and for fifteen days after the pledge,~~ keep the same at his or her place of business, subject to inspection by the officers and persons mentioned in Section 3.44.070, ~~as fully and to the same extent as goods received on pledge."~~

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5729, Section 1, 2002.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN City Clerk

First Consideration: 4/26/2010
Second Consideration: 5/10/2010
Public Hearing: _____
Third Consideration: _____

3.44.080 Recording absolute purchases--Holding period for inspection.

Every pawnbroker shall, on the absolute purchases of any personal property, enter the same in the register in the same manner as property received on pledge, and shall for thirty (30) days after the purchase keep the same at his or her place of business, subject to inspection by the officers and persons mentioned in Section 3.44.070, as fully and to the same extent as goods received on pledge.

(Ord. 5729 § 1, 2002).

Council Communication

Department: <u>Public Works</u> Case/Project No. Applicant: <u>Hank Pangelina</u>	Ordinance No. <u>6078</u> Resolution No. _____	First Reading: <u>4/26/2010</u> Second Reading: <u>5/10/2010</u> Third Reading: _____
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SUBJECT / TITLE

AN ORDINANCE to amend Title 5 entitled "Sewers" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Chapter 5.10 "General Restrictions", Section 5.10.040 which is entitled "Specific pollutant limitations" to comply with federal requirements of the 40CFR403 Pretreatment program and to be codified.

Background/Discussion

- The city operates the wastewater treatment plant in compliance with state and federal requirements
- Wastewater may contain incompatible pollutants that can pass through or interfere with the treatment processes or may contaminate the sewage sludge. To protect its operation and to ensure that its discharges comply with state and federal requirements, the city is required to have a Pretreatment Program. The city has had a program since 1983.
- Federal regulations require the Pretreatment Program have established pollutant limits. With guidance from the Iowa Department of Natural Resources modifications are required to the pollutant limitation cited in city ordinance 5.10.040.
- The required changes include some pollutant limit changes. However, the most significant change is to the way the limits are expressed. The existing ordinance limits are expressed as a concentration (mg/L). The proposed limits must be expressed on a mass basis (lb/day).
- Current ordinance
5.10.040 Specific pollutant limitations.
(a) No person shall discharge heavy metal into the city sewer system in concentrations or masses greater than those listed below:

TABLE INSET:

Heavy Metal	Concentration for 0.5 MGD Industrial Discharge mg/l	Plant Capacity @12.85 MGD lbs/day
Arsenic	0.10	0.64
Cadmium	0.0045	0.48
Chromium Total	3.88	18.0
Copper	2.8	15.5
Cyanide	2.1	10.7

Lead	4.1	22.4
Mercury	0.04	0.21
Nickel	1.37	7.9
Zinc	4.6	33.5

- Proposed ordinance 5.10.40

a) Industrial discharge limits for the following pollutants shall be determined by the Director on a case-by-case basis. In no instance shall the total allocation for all industrial users exceed the maximum allowable industrial loadings shown in the table below.

Parameter	Maximum Allowable Industrial Loading (lbs/day)	Maximum Treatment Plant Capacity (lbs/day)
Arsenic	2.75	3.00
Cadmium	0.27	0.39
Total Chromium	13.67	14.73
Copper	9.5	11.38
Cyanide	0.92	1.51
Lead	1.84	2.69
Mercury	0.23	0.25
Molybdenum	26.32	27.69
Nickel	6.57	7.33
Selenium	7.77	8.21
Silver	3.73	4.19
Zinc	17.84	28.21
BOD ₅	19,287	31,100
TSS	22,860	31,100

The MAIL value above is calculated by subtracting the domestic/commercial pollutant background loadings from the plant capacity using a 5% safety factor.

Recommendation

The Public Works Director recommends that the City Council favorably consider this proposed ordinance and pass it into law.

Department Head Signature

ORDINANCE # 6078

AN ORDINANCE to amend Title 5 entitled “Sewers” of the 2005 Municipal Code of the Council Bluffs, Iowa, by amending in part Chapter 5.10, Section 5.10.040 entitled “Specific pollutant limitations”

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 5.10.040 Specific pollutant limitations:

5.10.040 amended – Specific pollutant limitations. That the section adopting this code shall read as follows: (a) Industrial discharge limits for the following pollutant shall be determined by the Director on a case-by-case basis. In no instance shall the total allocation for all industrial users exceed the maximum allowable industrial loadings shown in the table below.

Parameter	Maximum Allowable Industrial Loading (lbs/day)	Maximum Treatment Plant Capacity (lbs/day)
Arsenic	2.75	3.00
Cadmium	0.27	0.39
Total Chromium	13.67	14.73
Copper	9.5	11.38
Cyanide	0.92	1.51
Lead	1.84	2.69
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Selenium	7.77	8.21
Silver	3.73	4.19
Zinc	17.84	28.21
BOD ₅	19,287	31,100
TSS	22,860	31,100

ADOPTED
AND
APPROVED _____, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

1st Consideration: 4/26/2010
2nd Consideration: 5/10/2010
Public Hearing: n/a
3rd Consideration:

Council Communication

Department: Community Development Case #ZC-10-005 Applicant: Clifford Kathol	Ordinance No. <u>6079</u>	City Council: <u>4/26/2010</u> Planning Commission: <u>4/13/2010</u> First Reading: <u>4/26/2010</u> Second Reading: Third Reading:
<p style="text-align: center;">Subject</p> <p>Request of Clifford Kathol, representing Commercial R E Services LLC, 112 Greenview Circle, Council Bluffs, IA 51503 to rezone a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 described as beginning as the Northwest corner of said SE1/4 SW1/4, thence East 1325.36 feet, thence South 326.72 feet, thence West 1326 feet, thence North 332.63 feet to the Point of Beginning, except the South 25 feet of the West 218 feet, from R-1/Single Family Residential to R-1E/Single Family Residential Estates. This property, previously known as 14211 Valley View Drive, is located east of Valley View Drive and northeast of Harry Langdon Boulevard/Wabash Avenue as shown on the attached map.</p>		
<p style="text-align: center;">Background</p> <p>Cliff Kathol has proposed to divide the above described parcel and cause the construction of two single family homes. This property has access to water and improved road right-of-way. However, sanitary sewer is not available. The applicant is requesting the property be rezoned R-1E/Single Family Residential Estates which would allow the use of private septic systems. The R-1E district is intended for areas of the city in which sanitary sewer service is deemed to be impractical due to topography or the availability and proximity of sanitary services.</p> <p>MidAmerican Energy has no objections at this time. The applicant should be aware there are existing overhead and underground electric distribution facilities in the vicinity and that any relocation expenses will be the responsibility of the applicant.</p> <p>No comments have been received from any other City department or utility that would adversely affect this request.</p> <p>Three owners within 200 feet requested additional information. No one voiced opposition to the proposed rezoning.</p>		
<p style="text-align: center;">Discussion</p> <ol style="list-style-type: none">1. The elevation of the property rises from 1,000 feet on Valley View to 1,180 on the east portion of the parcel. Only the west 1/3 of the property is deemed developable. The hillside was identified for preservation in the Loess Hills Plan.2. Future development in the vicinity that can achieve urban density is unlikely. The probability of a private development of sufficient size to justify sewer extension is low.3. The terrain of the area to the east of the site is not suitable for development and should remain as open space.4. If areas to the north and southeast of the rezoning were annexed, the most appropriate zoning regulation is R-1E.		
<p style="text-align: center;">Recommendation</p> <p>The Community Development Department recommends rezoning a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 from R-1/Single Family Residential to R-1E/Single Family Residential Estates for the reasons stated above.</p> <p style="text-align: center;">Public Hearing</p> <p>Clifford Kathol, 112 Greenview Circle, appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p> <p style="text-align: center;">Planning Commission Recommendation</p> <p>The Planning Commission recommends rezoning a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 from R-1/Single Family Residential to R-1E/Single Family Residential Estates</p> <p>VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried</p>		
<p>Attachments: Map showing proposed rezoning area.</p> <p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department.</p>		



ORDINANCE NO. 6079

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF A 9.62 ACRE PARCEL OF LAND, PREVIOUSLY KNOWN AS 14211 VALLEY VIEW DRIVE, LOCATED EAST OF VALLEY VIEW DRIVE AND NORTHEAST OF HARRY LANGDON BOULEVARD/WABASH AVENUE, FROM R-1/SINGLE FAMILY RESIDENTIAL TO R-1E/SINGLE FAMILY RESIDENTIAL ESTATES, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.08A OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of a 9.62 acre parcel of land, previously known as 14211 Valley View Drive, legally described as follows: SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8-74-43, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-1/Single Family Residential to R-1E/Single Family Residential Estates, as set forth and defined in Chapters 15.08B and 15.08A of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

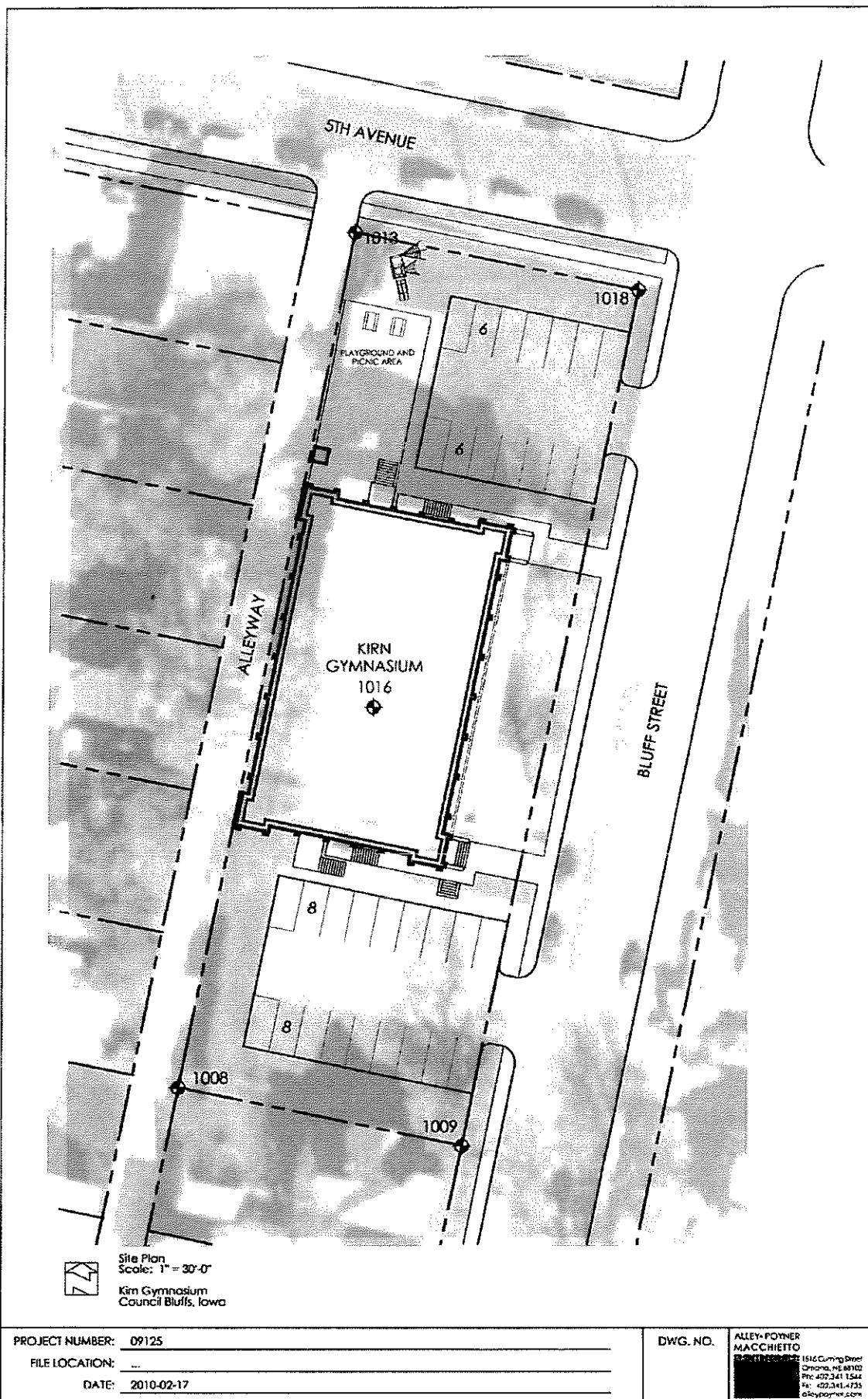
Attest:

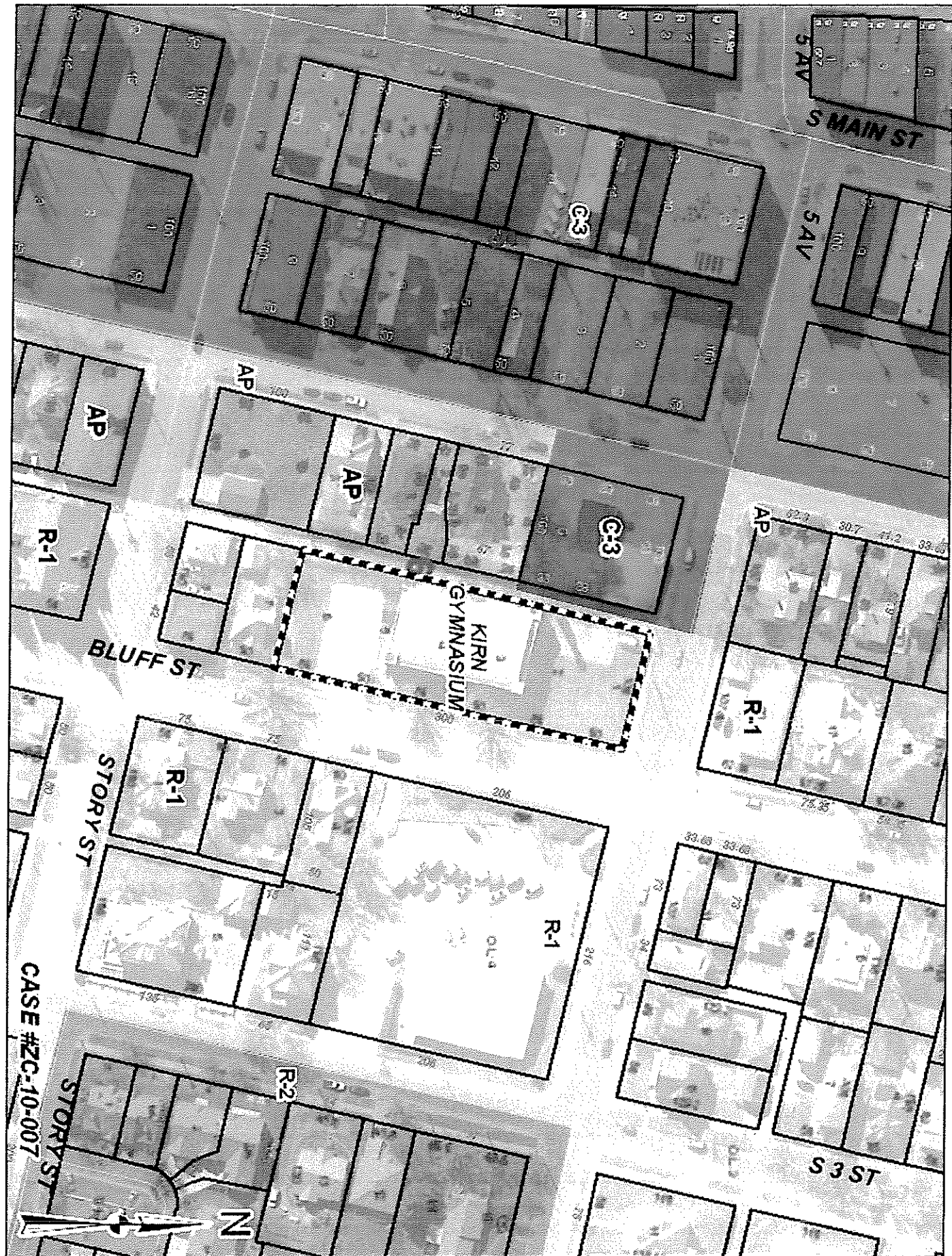
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: 4/26/2010
SECOND CONSIDERATION: 5/10/2010
PUBLIC HEARING: 5/10/2010
THIRD CONSIDERATION:

Council Communication

Department: Community Development Case No. ZC-10-007 Applicant: 510 Bluff Street LLC 142 W. Broadway Council Bluffs, IA 51503	Ordinance No. <u>6080</u>	City Council: 4/26/10 Planning Commission: 4/13/10 First Reading: _____ Second Reading: _____ Third Reading: _____
Subject/Title		
Rezone Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District.		
Background/Discussion		
<p>510 Bluff Street LLC is requesting rezoning of the former Kim Gym, addressed as 510 Bluff, from R-1/Single Family Residential to A-P/Administrative Professional in order to renovate the existing structure into 20 apartments. There will be 10 studio apartments, 8 one-bedroom and 2 two-bedroom units. Off-street parking for 28 vehicles is shown, which exceeds the minimum of 21. City services and all utilities are available with adequate capacity to serve the proposed use.</p> <p>The subject property and the land to east, north and south are zoned R-1/Single Family Residential as shown on the attached map. A-P and C-3 Commercial abut on the west side. This property was zoned for multi-family use with the original map in 1928. In 2002, as part of a larger rezoning petitioned by neighboring property owners it was down zoned from R-3 to R-2. In 2004, again at the petition of neighboring property owners, this land was rezoned to R-1. The future land use map in the 1994 Comprehensive Plan calls out this land for multi-family use with administrative/professional use to west and one and two family residential use about a block east. The requested rezoning is consistent with the 1994 Comprehensive Plan. It is a reasonable extension of the adjacent zoning on the west.</p> <p>Sean Thomsen, 525 Bluff Street was opposed to both prior rezonings effecting his property. He said that he would like the same opportunity to rezone as the applicants in this case. Adding his property to this request was not possible when he call March 31, 2010. The applicants hosted an open house on March 30, 2010 at the Public Library to explain their plans. No other comments were received from adjacent property owners regarding this request.</p>		
Recommendation		
The Community Development Department recommends rezoning Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District for the reasons cited above.		
Public Hearing		
Jim Royer, 142 West Broadway Street, Suite 140, appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends rezoning Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District for the reasons cited above by the Community Development Department.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Zoning Map and Site plan		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		





ORDINANCE NO. 6080

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF THE FORMER KIRN GYM AT 510 BLUFF STREET, FROM R-1/SINGLE FAMILY RESIDENTIAL DISTRICT TO A-P/ADMINISTRATIVE PROFESSIONAL DISTRICT, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.13 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of the former Kirn Gym, 510 Bluff Street, legally described as follows: Lots 1 through 6, Jackson's Addition, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-1/Single Family Residential District to A-P/Administrative Professional District, as set forth and defined in Chapters 15.08B and 15.13 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: 4/26/2010
SECOND CONSIDERATION: 5/10/2010
PUBLIC HEARING: 5/10/2010
THIRD CONSIDERATION: _____

Council Communication

Department: Public Works Division: Building Case/Project No. Applicant: Dan Woellhof	Ordinance No. <u>6074</u>	First Reading 04/12/10 Second Reading 04/26/10 Third Reading 05/10/10
Subject/Title		
An ordinance to amend Title 13 "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by adding thereto a new Chapter 13.35 "Radon Reduction System Provisions", to provide guidelines for radon reduction systems in any new construction of single-family, two-family, and multiple-family housing units in Council Bluffs, Iowa.		
Background/Discussion		
<p>The proposed text in this proposed chapter originated from the International Residential Code Appendix F which was not part of the IRC adoption ordinance.</p> <p>Radon is a radioactive gas that is colorless and odorless. It originated in the soil from the natural decay of uranium that exists in or below most soils. Radon is the second leading cause of lung cancer in the United States with approximately 21,000 radon caused deaths per year nationally. The state of Iowa has the highest percentage of homes above the risky level.</p> <p>The radon mitigation of a new residence is the installation of a layer of permeable material and a polyethylene sheet below the basement floor slab, a PVC pipe extending from a hole in the basement floor through the roof, and a fan that supplies suction.</p> <p>Radon mitigation programs have been presented at a Council Bluffs Building Trades Association membership meeting and at their Home Show.</p> <p>This chapter is a guideline only.</p>		
Amendments		
This is a new chapter in the Municipal Code.		
Recommendation		
The Health Director, the Public Works Director and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.		

Public Works Director

ORDINANCE NO. 6074

AN ORDINANCE to amend Title 13 "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, by adding thereto a new Chapter 13.35 entitled "Radon Reduction System Provisions", to provide guidelines for radon reduction systems in any new construction of single-family, two-family, and multiple-family housing units in Council Bluffs, Iowa, to be codified.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. That Title 13 "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by adding thereto a new Chapter 13.35, entitled "Radon Reduction System Provisions", to read as follows:

**CHAPTER 13.35
RADON REDUCTION SYSTEM PROVISIONS**

- Sections:**
- 13.35.010 Title of Chapter
 - 13.35.020 General
 - 13.35.030 Definitions.
 - 13.35.040 Scope.
 - 13.35.050 Sub-floor preparation.
 - 13.35.060 Soil-gas-retarder.
 - 13.35.070 Entry routes.
 - 13.35.080 Passive sub-membrane depressurization system.
 - 13.35.090 Passive sub-slab depressurization system.
 - 13.35.100 Vent pipe drainage.
 - 13.35.110 Vent pipe accessibility.
 - 13.35.120 Vent pipe identification.
 - 13.35.130 Combination foundations.
 - 13.35.140 Building depressurization.
 - 13.35.150 Power source.

13.35.010 Title of Chapter. The provisions of this chapter shall be known as the "Radon Reduction System Provisions" for the City of Council Bluffs, Iowa.

13.35.020 General. The provisions of this chapter apply as only guidelines for any new construction of single-family, two-family, and multiple-family housing units in Council Bluffs. Radon is the second leading cause of lung cancer in the United States. Pottawattamie County is rated as a Zone 1 which means that Council Bluffs is in an extensive area that has the highest percentage of homes above 4 picocuries per liter which is the recommended action level as set by the U.S. Environmental Protection Agency. Therefore, it is recommended that these guidelines be implemented when constructing any new residential construction in Council Bluffs.

An existing residential basement can be tested to find the radon levels. If the radon test levels are high, then the owner may choose to retrofit the residence. However, there will probably not be a permeable material layer and a polyethylene sheet below the entire basement sub floor. Therefore, the retrofit will not be as efficient.

13.35.030 Definitions. For the purpose of these provisions, the terms used herein to be defined as follows:

- 1) Subslab depressurization system (Passive).** A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe routed through the conditioned space of a building and connecting the sub-slab area with outdoor air, thereby relying on the convective flow of air upward in the vent to draw air from beneath the slab.
- 2) Subslab depressurization system (Active).** A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the slab.
- 3) Drain tile loop.** A continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawl space footing.
- 4) Radon gas.** A naturally-occurring, chemically inert, radioactive gas that is not detectable by human senses. As a gas, it can move readily through particles of soil and rock and can accumulate under the slabs and foundations of homes where it can easily enter into the living space through construction cracks and openings.
- 5) Soil-gas-retarder.** A continuous membrane of 6-mil (0.15 mm) polyethylene or other equivalent material used to retard the flow of soil gases into a building.
- 6) Sub-membrane depressurization system.** A system designed to achieve lower-sub-membrane air pressure relative to crawl space air pressure by use of a vent drawing air from beneath the soil-gas-retarder membrane.

13.35.040 Scope. The following construction techniques are intended to resist radon entry and/or prepare the building for post construction radon mitigation.

13.35.050 Sub-floor preparation. A layer of gas-permeable material to be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a sub-slab depressurization system. The gas-permeable layer to consist of one of the following:

- a)** A uniform layer of clean aggregate, a minimum of four inches (102 mm) thick. The aggregate to consist of material that will pass through a 2-inch (51 mm) sieve and be retained by a ¼ - inch (6.4mm) sieve.
- b)** A uniform layer of sand (native or fill), a minimum of four inches (102 mm) thick, overlain by a layer of strips of geotextile drainage matting designed to allow the lateral flow of soil gases.
- c)** Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire sub-floor area.

13.35.060 Soil-gas-retarder. A minimum 6-mil (0.5 mm) [or 3-mil (0.075 mm) cross-laminated] polyethylene or equivalent flexible sheeting material to be placed on top of the gas-permeable layer prior to casting the slab or placing the floor assembly to serve as a soil-gas-retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete

from entering the void spaces in the aggregate base material. The sheeting to cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting to fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material to be sealed or covered with additional sheeting.

13.35.070 Entry routes. Potential radon entry routes to be closed in accordance with subsections a-j as follows:

a) **Floor openings.** Openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs or other floor assemblies to be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.

b) **Concrete joints.** All control joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs and foundation walls to be sealed with a caulk or sealant. Gaps and joints to be cleared of loose material and filled with polyurethane caulk or other elastomeric sealant applied in accordance with the manufacturer's recommendations.

c) **Condensate drains.** Condensate drains to be trapped or routed through non-perforated pipe to daylight.

d) **Sumps.** Sump pits open to soil or serving as the termination point for sub-slab or exterior drain tile loops to be covered with a gasketed or otherwise sealed lid. Sumps used as the suction point in a sub-slab depressurization system to have a lid designed to accommodate the vent pipe. Sumps used as a floor drain to have a lid equipped with a trapped inlet.

e) **Foundation walls.** Hollow block masonry foundation walls to be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge to be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundations walls below the ground surface to be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls to be filled.

f) **Damp-proofing.** The exterior surfaces of portions of concrete and masonry block walls below the ground surface to be damp-proofed in accordance with Section R406 of the International Residential Code.

g) **Air-handling units.** Air-handling units in crawl spaces to be sealed to prevent air from being drawn into the unit.

Exception: Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage.

h) **Ducts.** Ductwork passing through or beneath a slab to be of seamless material unless the air-handling system is designed to maintain continuous positive pressure within such ducting. Joints in such ductwork to be sealed to prevent air leakage. Ductwork located in crawl spaces to have all seams and joints sealed by closure systems in accordance with the mechanical code.

i) **Crawl space floors.** Openings around all penetrations through floors above crawl spaces to be caulked or otherwise filled to prevent air leakage.

j) **Crawl space access.** Access doors and other openings or penetrations between basements and adjoining crawl spaces to be closed, gasketed or otherwise filled to prevent air leakage.

13.35.080 Passive sub-membrane depressurization system. In buildings with crawl space foundations, the following components of a passive sub-membrane depressurization system to be installed during construction:

Exception: Building in which an approved mechanical crawl space ventilation system or other equivalent system is installed.

a) **Ventilation.** Crawl spaces to be provided with vents to the exterior of the building. The minimum net area of ventilation opens to comply with the International Residential Code.

b) **Soil-gas-retarder.** The soil in crawl spaces to be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil-gas-retarder. The ground cover to be lapped a minimum of 12 inches (305 mm) at joints and to extend to all foundation walls enclosing the crawl space area.

c) **Reduction Vent pipe.** A plumbing tee or other approved connection to be inserted horizontally beneath the sheeting and connected to a 3 or 4 inch diameter (76 mm or 102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe to be extended up through the building floor, terminate at least 12 inches (305 mm) above the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

13.35.090 Passive sub-slab depressurization system. In basement or slab-on-grade buildings, the following components of a passive sub-slab depressurization system to be installed during construction:

a) **Vent pipe.** A minimum 3-inch-diameter (76 mm) ABS, PVC or equivalent gas-tight pipe to be embedded vertically into the sub-slab aggregate or other permeable material before the slab is cast. A "T" fitting or equivalent method to be used to ensure that the pipe opening remains within the sub-slab permeable material. Alternatively, the 3-inch (76 mm) pipe to be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the sub-slab aggregate or connected to it through a drainage system.

The reduction pipe to be extended up through the building floors, terminate at least 12 inches (305 mm) above the surface of the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings. If the reduction pipe is decided not to be installed at the time of new construction, then a preparation pipe can be extended up through the building floors, terminate at least 2 inches (305 mm) above the surface of the lowest floor, and capped.

b) **Multiple vent pipes.** In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area to be fitted with an individual vent pipe. Vent preparation pipes to be capable to connect to a single vent that terminates above the roof or each individual vent pipe to be capable to terminate separately above the roof. Vent reduction pipes to connect to a single vent that terminates above the roof or each individual vent pipe to terminate separately above the roof.

13.35.100 Vent pipe drainage. All components of the radon vent pipe system to be installed to provide positive drainage to the ground beneath the slab or soil-gas-retarder.

13.35.110 Vent pipe accessibility. Radon vent pipes to be accessible for future fan installation through an attic or other area outside the habitable space.

Exception: The radon vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use.

13.35.120 Vent pipe identification. All exposed and visible interior radon vent pipes to be identified with at least one label on each floor level and in accessible attics. The label to read, in minimum one inch (1") letters: "Radon Reduction System."

13.35.130 Combination foundations. Combination basement/crawl space or slab-on-grade/crawl space foundations to have separate radon vent pipes installed in each type of foundation area. Each preparation radon vent pipe to be capable to terminate above the roof or to be capable to connected to a single vent that terminates above the roof. Each reduction radon vent pipe to terminate above the roof or to be connected to a single vent that terminates above the roof. This pipe termination to be such that it prevents rain and animals from entry.

13.35.140 Building depressurization. Joints in air ducts and plenums in unconditioned spaces to meet the requirements of the International Residential Code. Thermal envelope air infiltration requirements are to comply with the energy conservation provisions in the International Residential Code. Firestopping is to comply the requirements contained in the International Residential Code.

15.35.150 Power source. To provide for future installation of an active sub-membrane or sub-slab depressurization system, an electrical circuit terminated in an approved box to be installed during construction in the attic or other anticipated location of vent pipe fans. Also, an electrical supply to be accessible in anticipated locations of system failure alarms.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____, 2010

Thomas P. Hanafan, Mayor

Attest:

Marcia L. Worden, City Clerk

First Consideration: April 12, 2010
Second Consideration: April 26, 2010
Third Consideration:

Council Communication

Department: Legal	Ordinance No. <u>6076</u>	First Reading <u>4/12/2010</u> Second Reading <u>4/26/2010</u> Third Reading
Case/Project No.		
Applicant:		
SUBJECT/TITLE		
An ordinance to amend Chapter 17 "Housing" of the 2005 Municipal Code of Council Bluffs, Iowa, by adding a new Section 17.01.040 "Conversions to Meet Building Codes".		
BACKGROUND		
Section 17.01.040 will apply the same standard to conversions of existing structures to residential cooperative that have existed since April 25, 2000, under Iowa Code Chapter 499B for conversions to a horizontal property regime (condominium).		
RECOMMENDATION		
Approval of this ordinance is recommended.		

Richard Wade

Department Head Signature

Mayor Signature

ORDINANCE NO. 6076

AN ORDINANCE to amend Chapter 17 "Housing" of the 2005 Municipal Code of Council Bluffs, Iowa, by adding a new Section 17.01.040 entitled "Conversions to Meet Building Codes".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 17 "Housing" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Section 17.01.40

"Conversions to Meet Building Codes", to read as follows:

7.01.040 Conversions to Meet Building Codes. (a) After April 25, 2000, an existing structure shall not be converted to a horizontal property regime unless the converted structure meets building code requirements in effect on the date of conversion. After June 1, 2010, an existing structure shall not be converted to a multiple housing cooperative unless the converted structure meets building code requirements in effect on the date of conversion.

(b) At least 60 days prior to filing a declaration of horizontal property regime as provided in Iowa Code Chapter 499B or a declaration of a multiple housing cooperative as provided in Iowa Code Chapter 499A, which converts an existing structure with the City of Council Bluffs, the owner shall file a copy of the declaration of the horizontal property regime or the articles of incorporation of the multiple housing cooperative with the office of the chief building official to enable the city to establish that the converted structure meets appropriate building code requirements. The Declarant shall provide sufficient information to the city so that a determination can be made as to whether or not the structure meets current codes.

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
MARCIA L. WORDEN City Clerk

First Consideration: April 12, 2010
Second Consideration: April 26, 2010
Public Hearing: n/a
Third Consideration:

Council Communication

Department: Community Development Case #ZC-10-004 Applicant: Community Development Department	Ordinance No. <u>6061</u>	City Council: 03/29/10 Planning Commission: 03/09/10 First Reading: 3/29/2010 Second Reading: 4/12/2010 Third Reading: 5/10/2010
Subject Request of the Community Development Department to rezone Lots 16 through 24, Block 78, Lots 1 through 4 and Lots 23 through 28, Block 91, the remainder of Blocks 34, 35, 51, 62 and 79 and all of Blocks 36, 50 and 63, Railroad Addition, all of Acosta Subdivision, Thallas Subdivision, Wyatt Subdivision, Wyatt 3 rd Subdivision and Lots 1 through 29, Coy First Subdivision from R-2/Two Family Residential to R-1/Single Family Residential and to rezone Lots 1 through 15, Block 78, Lots 1 through 4, Lots 23 through 26 and the North 132 feet of Lots 27 and 28, Block 92 and all of Blocks 49, 64 and 77, Railroad Addition and all of Wyatt 2 nd Subdivision from R-3/Low Density Multi-Family Residential to R-1/Single Family Residential. (These rezoning descriptions shall include any abutting vacated right-of-way). This area is generally located between South 15 th and South 19 th Streets, from 23 rd Avenue to one-half block south of 28 th Avenue as shown on the attached map.		
Background The Community Development Department is proposing that the above described property be down-zoned from R-2/Two Family Residential and R-3/Low Density Multi-family Residential to R-1/Single Family Residential. Significant public and private investment has been made in this area to promote single family development. Rezoning is required to best preserve this investment in the future. There are currently 147 residential structures within the subject area, all of which are single family. No adverse comments have been received from any City department or utility. All property owners within the area were notified, by mail, of the proposed rezoning. Nineteen of those owners have contacted the Community Development Department requesting additional information. No opposition has been received. One owner within 200 feet also requested additional information.		
Discussion In 1928 the subject area was zoned "F-Open Space". With the adoption of the 1965 Zoning Map, it was rezoned to R-2/Two Family Residential. Over the past few years, significant residential development has taken place within this area. These properties should be rezoned to R-1 in order to protect the existing single family character of the neighborhood.		
Recommendation The Community Development Department recommends rezoning the properties as described above from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to R-1/Single Family Residential.		
Public Hearing Gayle Malmquist appeared before the Planning Commission in favor of the request. Wayne Goff, 2037 23 rd Avenue and Dave Chubb, 2411 South 17 th Street appeared before the Planning Commission with questions regarding future use and road reconstruction.		
Planning Commission Recommendation The Planning Commission recommends rezoning the properties as described above from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to R-1/Single Family Residential.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Map showing proposed rezoning area.		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department.		



ORDINANCE NO. 6061

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED BETWEEN SOUTH 15TH AND SOUTH 19TH STREETS, FROM 23RD AVENUE TO ONE-HALF BLOCK SOUTH OF 28TH AVENUE, FROM R-2/TWO FAMILY RESIDENTIAL AND R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, TO R-1/SINGLE FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.09, 15.10, AND 15.08B OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located between South 15th and South 19th Streets, from 23rd Avenue to one-half block south of 28th Avenue, as shown on the attached map, legally described as follows:

Lots 16 through 24, Block 78, Lots 1 through 4 and Lots 23 through 28, Block 91, the remainder of Blocks 34, 35, 51, 62 and 79 and all of Blocks 36, 50 and 63, Railroad Addition, all of Acosta Subdivision, Thallas Subdivision, Wyatt Subdivision, Wyatt 3rd Subdivision and Lots 1 through 29, Coy First Subdivision, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-2/Two Family Residential to R-1/Single Family Residential, as set forth and defined in Chapters 15.09 and 15.08B of the 2005 Municipal Code of Council Bluffs, Iowa; and

Lots 1 through 15, Block 78, Lots 1 through 4, Lots 23 through 26 and the North 132 feet of Lots 27 and 28, Block 92 and all of Blocks 49, 64 and 77, Railroad Addition and all of Wyatt 2nd Subdivision, in Council Bluffs Pottawattamie County, Iowa, from its present designation as R-3/Low Density Multi-Family Residential to R-1/Single Family Residential, as set forth and defined in Chapters 15.10 and 15.08B of the 2005 Municipal Code of Council Bluffs, Iowa. (These rezoning descriptions shall include any abutting vacated right of way.)

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

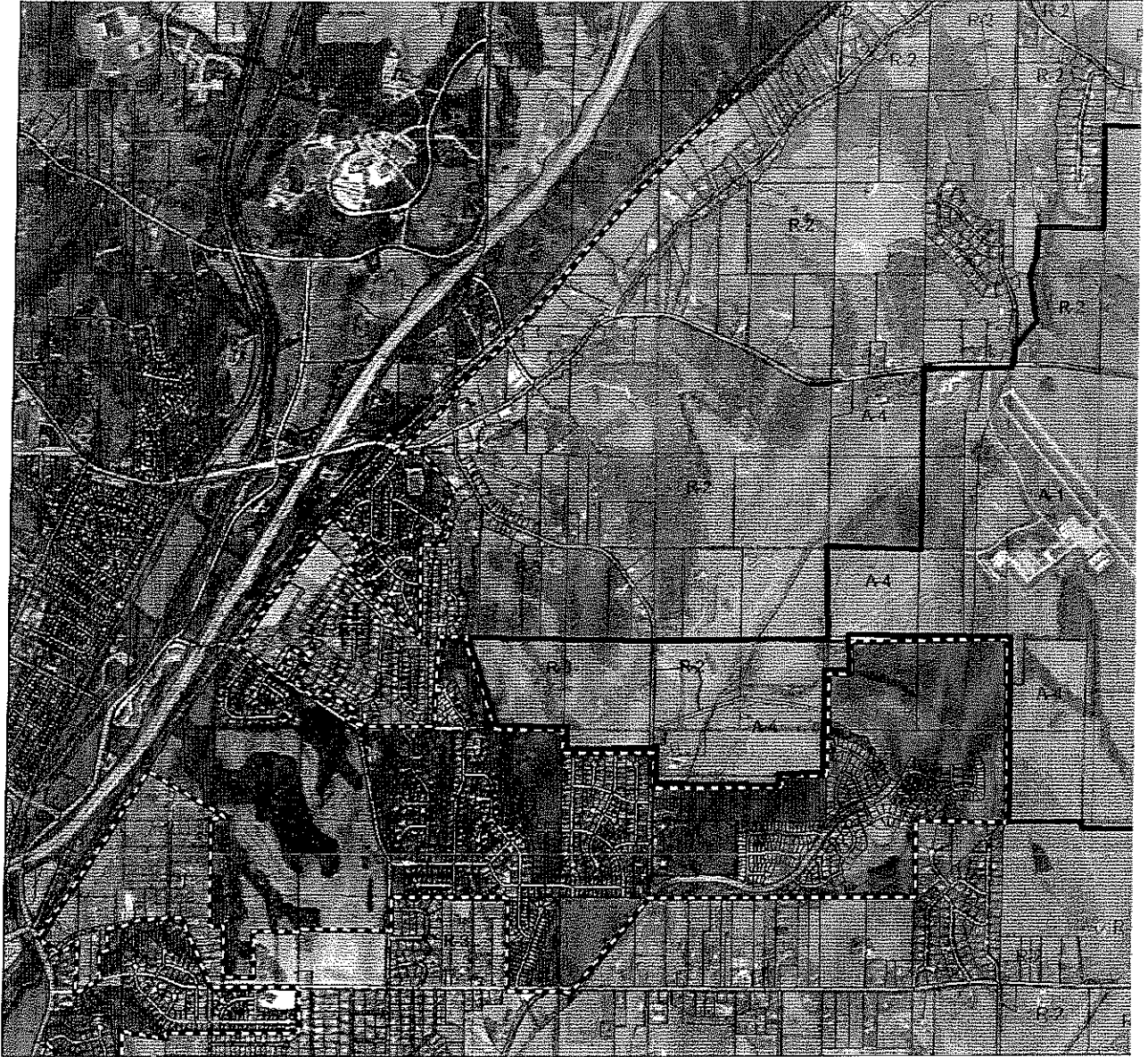
Attest: _____
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: March 29, 2010
SECOND CONSIDERATION: April 12, 2010
PUBLIC HEARING: April 12, 2010
THIRD CONSIDERATION:

Planning Case No. ZC-10-004

Council Communication

Department and Applicant: Community Development Case No. ZC-10-003	Ordinance No. <u>6062</u>	City Council: 3-29-10 Planning Commission Meeting: 3-9-10 Public Hearing: 4-12-2010
Subject/Title		
<p>Rezone approximately 1,058 acres of newly annexed land from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as:</p> <p style="padding-left: 40px;">Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.</p>		
Background/Discussion		
<p>On August 10, 2009, the City Council passed Resolution No. 09-235 approving the voluntary annexation with owners in opposition of approximately 1,058 acres of land. The State notified the City that the approval process for the voluntary annexation as shown in Exhibit 'A' was complete on December 22, 2009. §15.27.030 of the Zoning Ordinance states that 'Annexed land shall retain the same zoning classification after annexation that it had prior to annexation. Those regulations shall remain in place until the City completes the legislative action to rezone the property.'</p> <p>The request is to rezone all of the newly annexed area (within the dark line) as shown on Exhibit 'A' to A-2/Parks, Estates and Agricultural District. The exhibit shows the existing County zoning both inside and outside of the City. Abutting land inside the City is generally zoned R-1/Single Family Residential. The Airport is zoned A-1/Open Space and Conservation District and conforms to the County Zoning Ordinance. Upon adoption of a proposed text amendment (Case #ZT-10-002), a secondary airport is a permitted use in an A-2 District. Existing commercial uses can continue as a legally nonconforming use, just as they were prior to annexation. The bulk of the recently annexed land is in large lot residential, undeveloped or in agricultural use, which conform to the A-2 regulations. Several owners have contacted the Department with questions regarding the impact of the rezoning on their property.</p> <p>The rezoning is consistent with the intent of the 1994 Comprehensive Plan, which calls for low density residential/neighborhood commercial and vacant/agricultural uses within the two miles surrounding the City. Change in land use for this area is not imminent. Development will require Planning Commission consideration and City Council action on rezoning and subdivision to allow for a new use.</p>		
Recommendation		
<p>The Community Development Department recommends rezoning consistent with the 1994 Comprehensive Plan, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as:</p> <p style="padding-left: 40px;">Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.</p>		
Public Hearing		
<p>Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
Planning Commission Recommendation		
<p>The Planning Commission recommends rezoning consistent with the 1994 Comprehensive Plan, from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City) as shown on Exhibit 'A' and generally described as:</p> <p style="padding-left: 40px;">Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa.</p>		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachment: Zoning map – Exhibit 'A' and Chapter 15.05- A-2/Parks, Estates and Open Space District Prepared by: Gayle M. Malmquist, Development Services Coordinator		



(Airport Annexation Area With Zoning)

7. B.

Chapter 15.05

A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

Sections:

- 15.05.010 Statement of intent
- 15.05.020 Principal uses
- 15.05.030 Conditional uses
- 15.05.040 Accessory uses
- 15.05.050 Site development regulations
- 15.05.060 Additional regulations
- 15.05.070 Signs

15.05.010 Statement of intent. This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

15.05.020 Principal uses. The following principal uses shall be permitted outright in an A-2 district:

- 01. Animal production
- 02. Cemetery
- 03. Dwelling, single family detached
- 04. Family home
- 05. Government maintenance facility
- 06. Horticulture and crop production
- 07. Local utility services
- 08. Park and recreation services
- 09. Public campground
- 10. Public safety services
- 11. Religious assembly
- 12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres

(Ord. #5523, Sec. 1,10/23/00)

15.05.030 Conditional uses. The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.27 02:

- 01. Agricultural sales and service
- 02. Commercial recreation (outdoor)
- 03. Day care services

- 04. Extraction activity
 - 05. Funeral service in conjunction with a cemetery
 - 06. Outdoor firing range
 - 07. Private campground
 - 08. Sanitary landfill
 - 09. Rubble dump
- (Ord. #5523, Sec. 2,10/23/00)

15.05.040 Accessory uses. Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

15.05.050 Site development regulations.

Minimum Lot Size

Lot area: 3 acres
 Lot width: 150 feet
 Lot depth: 200 feet

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front yard	50 feet	greater of 50 feet or existing front setback line of principal structure
Street side yard:	20 feet	20 feet
Side yard:	10 feet or 10% of lot width whichever is greater	10 feet or 10% of lot width or whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage: <u>- all structures</u>	10% maximum	

15.05.060 Additional regulations.

- 01. Reserved

15.05.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5285, 8/26/96)

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6062

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF APPROXIMATELY 1,058 ACRES OF NEWLY ANNEXED LAND FROM A-1/OPEN SPACE AND CONSERVATION DISTRICT, A-4/LOESS HILLS DISTRICT, R-2/URBAN TRANSITIONAL DISTRICT AND R-3/URBAN RESIDENTIAL DISTRICT (COUNTY) TO A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT (CITY), AS SET FORTH AND DEFINED IN CHAPTER 15.05 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of 1,058 acres of newly annexed land, as shown on Exhibit "A" and generally described as follows:

Part of Sections 26, 27, 33, 34 and 35, Township 75 North, Range 43 West (Garner Township) and part of Section 2-74-43 (Lewis Township) all in Pottawattamie County, Iowa, from its present designation as A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City), as set forth and defined in Chapter 15.05 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED AND APPROVED _____

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: March 29, 2010
SECOND CONSIDERATION: April 12, 2010
PUBLIC HEARING: April 12, 2010
THIRD CONSIDERATION:

7. B.

Council Communication

Department: Legal	Ordinance No. <u>6069</u>	First Reading <u>3/29/2010</u> Second Reading <u>4/12/2010</u> Third Reading _____
Case/Project No.		
Applicant.		
SUBJECT/TITLE		
AN ORDINANCE to amend Chapter 3.08 "Beer and Liquor Control" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 3.08.045 "Exceptions to Section 3.08.040(5)", to include open air taverns as an exception in areas zoned as C-4, with restrictions.		
BACKGROUND		
This ordinance is being proposed to allow open air taverns in areas zoned C-4 with restrictions, to allow outdoor service in the 100 block of West Broadway.		
RECOMMENDATION		
Approve the ordinance as proposed.		

Richard Wade

Department Head Signature

Mayor Signature

ORDINANCE NO. _____

AN ORDINANCE to amend Chapter 3.08 “Beer and Liquor Control” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 3.08.045 “Exceptions to Section 3.08.040(5)”, to include open air taverns as an exception in areas zoned as C-4, with restrictions.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 3.08 “Beer and Liquor Control” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 3.08.045 “Exceptions to Section 3.08.040(5)”, to read as follows:

“3.08.045 Exceptions to Section 3.08.040(5). (a) Open-air Dining—Exception. If an applicant can establish that approximately fifty (50) percent of its gross revenue from items to be consumed on premise are derived, or are likely to be derived from the sale of nonalcoholic food items, and if the establishment is or is to be located in an area zoned C-4, C-3, or in an area zoned C-2 and is not within fifty (50) feet of a residential zone, or a nonresidential area other than C-4 or C-2, and is not within three hundred (300) feet of a residential use or zone. The restrictions established in Section 3.08.040(5) of this chapter, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

(1) It must be so enclosed so that it may only be entered from that portion of the premises which is in compliance with Section 3.08.040(5) of this chapter.

(2) All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.

(3) No amplified music shall be permitted in such area between the hours of 10:00 p.m. and 7:00 a.m. Amplified music will be permitted in such areas between the hours of 7:00 a.m. and 10:00 p.m., so long as it complies with sound levels specified in Section 4.50.080(8). Special sound variances pursuant to Section 4.50.080(7.2) may be granted. If any outdoor dining facility is cited for violating Chapter 4.50 three (3) times in a twelve (12) month period that ultimately result in three (3) convictions, the service of alcoholic beverages in such area shall be suspended for a twelve (12) month period.

(4) No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.

(5) Such area must be approved by the health department for open-air dining.

(6) Outdoor dining facilities in C-2 zones shall not allow alcohol sales or consumption in their outdoor areas between the hours of twelve midnight and six a.m.

(7) If the application is for an establishment in a C-2 zone, the applicant shall have the duty to notify all property owners within three hundred (300) feet of the premises to be licensed. This notice shall be given in the following fashion: (A) applicant shall establish a list of parties to be notified through utilization of the records of the county auditor; (B) applicant shall prepare envelopes addressed to each of the parties identified in subsection (a)(7)(A) of this section, with the appropriate postage for certified delivery affixed thereto; (C) applicant shall prepare a notice for each of such property owners, advising of the nature of the action which is being sought, including the date it is to be acted upon by the city council; (D) applicant shall deliver all of the above to the city clerk at least ten (10) days prior to the date at which the action is proposed to be taken; (E) it shall be the duty of the city clerk to insert the notices into the envelopes and deliver same to the post office within forty-eight (48) hours of receipt.

(b) Golf-courses—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to golf courses consisting of fifteen (15) acres or more.

(c) Stadium-type Activities—Exception. For the purpose of this section, a stadium-type activity is a sporting event to which there is controlled access and paid admission. It shall only be permitted in areas zoned nonresidential and shall not be permitted within three hundred (300) feet of a residential use or zone. The restrictions established in Section 3.08.040(5) of this chapter, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

(1) It must be enclosed by a fence or a wall at least six feet high.

(2) It must be enclosed so that it may only be entered from that portion of the premises which is in compliance with Section 3.08.040(5) of this chapter.

(3) All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.

(4) No amplified music shall be permitted in such area.

(5) No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.

(d) Special Events—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to special events as long as they are not held within five hundred (500) feet of a residential use. For purposes of this exception, a special event shall last a maximum of seventy-two (72) hours, and the applicant and location shall only be permitted this exception once annually. This special event exception shall only be permitted if the following restrictions are satisfied:

(1) The applicant has developed a plan to address crowd and traffic control at the special

event which has been approved by the chief of police. This approval shall not be unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council by filing with the city clerk a written notice of appeal within ten (10) days of the chief's denial of such plan;

(2) The applicant has developed a plan to comply with state and city health codes which has been approved by the city's director of public health. This approval shall not be unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council, as long as notice of such appeal is presented in writing to the city clerk within ten (10) days of the date upon which the director denied such plan;

(3) Premises authorized under this exception shall not be permitted to operate between the hours of twelve midnight and six a.m.;

(4) Applicant's failure to abide by any of these restrictions and the plans approved herein or any other city or state law governing the sale and/or dispensing of alcoholic beverages shall be grounds for the immediate cessation of a special event exception.

(e) PC and A-3—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to liquor license establishments which are located in either a PC or an A-3 zone as long as the following criteria have been met:

(1) The licensed premises is not within five hundred (500) feet of a residential zone.

(2) Access to the licensed premises is restricted.

(f) Open Air Tavern – Exception. In the C-4 zone, a liquor license establishment need not comply with the requirements of Section 3.08.040(5) of this chapter if the non-complying portion of the liquor license premises meets the following conditions:

(1) It is contiguous to a liquor license premises that does comply with Section 3.08.040(5) of this chapter.

(2) It is discernible from areas that are not part of the liquor license premises.

(3) Access to the area is restricted.

(4) No open containers of alcohol or consumption of alcohol are permitted in this area between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, or 11:00 p.m. and 7:00 a.m. on Fridays and Saturdays.

(5) Amplified music will be permitted in these areas during the hours that consumption is permitted, but will be subject to the city's noise ordinance.

(6) If two violations of state law or the Council Bluffs municipal code occur in the outdoor area, resulting in convictions within a twelve-month timeframe, the use of the outdoor area as part of the liquor license premises will cease for a period of twelve months, starting on the date the second conviction becomes final.

(f g) For purposes of this section, when determining the distance from a residential use or zone, it will be measured from the property line of the residential use or zone to the actual licensed premises.

(g h) For purposes of this section, nonresidential zones shall include those zones for which a residential dwelling is not a principal use.

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. (Ord. 6040 § 1, 2009).

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN City Clerk

First Consideration: _____

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>10-130</u>	City Council: April 26, 2010 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
Execute an I-JOBS grant agreement with the Iowa Finance Authority for the rehabilitation of the Pine Ridge Apartments as proposed by J Development		
Location		
Intersection of Highway 6 and Simms Avenue – 32 Dillman Drive		
Background/Discussion		
<u>Background</u> The Iowa Finance Authority (IFA) administers the I-JOBS funding and has established the Affordable Housing Assistance Grant Fund Program. Program funds are to be used for the development and preservation of affordable housing for low income people in the state. On October 26, 2010, City Council authorized the submission of an application for these funds to assist with the renovation of the Pine Ridge Apartments as proposed by J Development. J Development proposes to acquire the property and undertake a comprehensive rehabilitation of the apartment community including interior and exterior building renovation, parking areas, drives and retaining walls.		
<u>Discussion</u> The City has been awarded a \$2.4 million grant from IFA to assist with this project. Grant documents have been prepared by IFA and the City has 45 days to execute and return them. The due date for this action is May 6, 2010. The execution of the I-JOBS contract commits the City to implement the renovation of the Pine Ridge Apartments. However, a development agreement between the City and the Developer remains to be negotiated. We anticipate this action to occur on or before June 28, 2010 by a separate City Council action.		
Staff Recommendation		
The Community Development Department recommends authorizing the Mayor to execute the \$2.4 million I-JOBS Affordable Housing Assistance Grant Funds Grant Agreement with the Iowa Finance Authority for renovation of the Pine Ridge Apartments with J Development.		
Attachments		
Grant Agreement		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 10-130

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A \$2.4 MILLION I-JOBS AFFORDABLE HOUSING ASSISTANCE GRANT FUND GRANT AGREEMENT AND OTHER NECESSARY DOCUMENTS WITH THE IOWA FINANCE AUTHORITY FOR THE PINE RIDGE REDEVELOPMENT PROJECT.

WHEREAS, the City of Council Bluffs was awarded an I-JOBS Affordable Housing Assistance Grant in the amount of \$2.4 million from the Iowa Finance Authority to assist with the rehabilitation of the Pine Ridge Apartment complex; and

WHEREAS the City must officially accept the I-JOBS award and authorize the Mayor to execute all necessary documentation.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor is hereby authorized to execute the \$2.4 million I-JOBS Affordable Housing Assistance Grant with the Iowa Finance Authority for the Pine Ridge redevelopment project.

ADOPTED
AND
APPROVED:

April 26, 2010

Thomas P. Hanafan Mayor

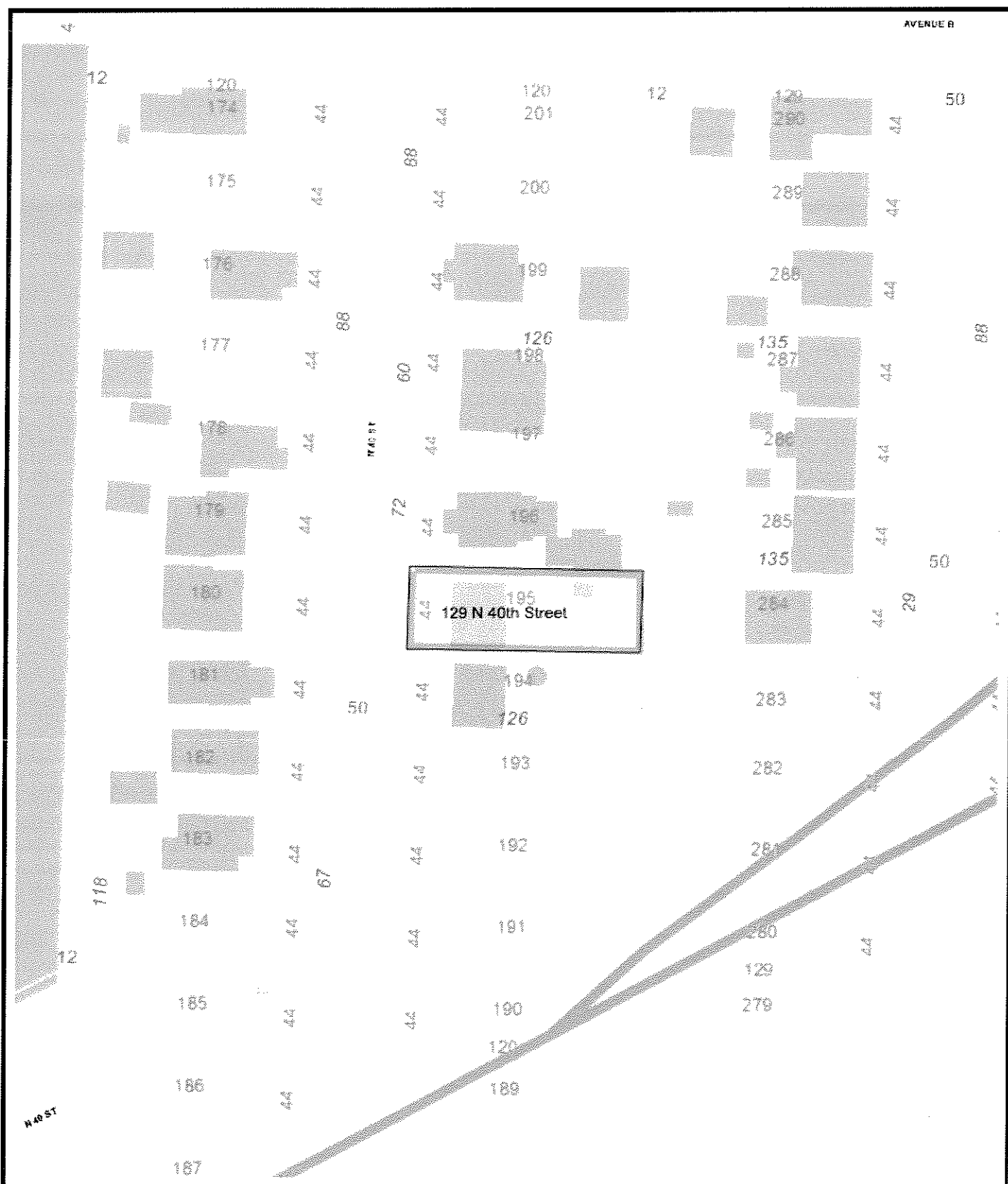
ATTEST:

Marcia L. Worden City Clerk

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>10-131</u>	City Council: April 26, 2010 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
Acquisition of property at 129 North 40 th Street as part of the Playland Park Urban Renewal Project.		
Background/Discussion		
<p>Property located at 129 North 40th Street can be acquired on a voluntary basis from Steve James. This property is a single family rental and is located east of the Playland Park Redevelopment Project. Staff believes the property should be acquired and added to existing City owned properties to the west.</p> <p>A purchase agreement has been negotiated and executed for the acquisition of the property pending City Council approval. Staff requests City Council approve the purchase price of the property at \$46,500. The property was appraised for \$42,000. Playland Park Redevelopment Project account funds will be used to cover the cost of acquisition and demolition.</p>		
Staff Recommendation		
Approval of the resolution authorizing acquisition of the property at 129 North 40 th Street.		
Attachments		
Resolution and Map		

Submitted by: Donald D. Gross, Director, Community Development Department



129 N 40th Street Acquisition

Users of the Portneuse County GIS parcel mapping application agree that he, or she will at all times indemnify and hold Portneuse County and its officers, employees, and agents harmless from any damages, claims, lawsuits, costs, or liability arising from any act, omission, or commission with respect to the release and use of information in this Agreement and any of the terms thereof. Portneuse County makes no claim as to the accuracy of the spatial data and its associated data table; and assumes no responsibility for their positional or content accuracy. Portneuse County makes no claim as to the ability of the spatial data to fulfill the Contracting Organization's application requirements. In providing data (or access to data), Portneuse County assumes no obligation to assist in the use of the data, or in the development, use, or maintenance of any application applied to the data. In no event shall the County be liable for any direct, indirect, incidental, consequential or special damages that may result from the User's application of the GIS data.

Scale 1:846

3/30/2010 4:37:37 PM

<http://gis.portneuse.com>

RESOLUTION NO. 10-131

**A RESOLUTION AUTHORIZING THE ACQUISITION OF 129 NORTH 40th STREET
AS PART OF THE PLAYLAND PARK REDEVELOPMENT PROJECT.**

- WHEREAS,** a single family property located at 129 North 40th Street can be acquired; and
- WHEREAS** said property is located adjacent to the Playland Park Redevelopment Project;
and
- WHEREAS** the property can be acquired voluntarily; and
- WHEREAS** sufficient funds are available in the Playland Park Redevelopment Project
account to acquire and demolish the property; and
- WHEREAS,** a real estate offer has been executed subject to City Council approval in the
amount of \$46,500.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the acquisition of 129 North 40th Street is hereby approved as part of the Playland Park
Redevelopment Project.

ADOPTED
AND
APPROVED:

April 26, 2010

Thomas P. Hanafan Mayor

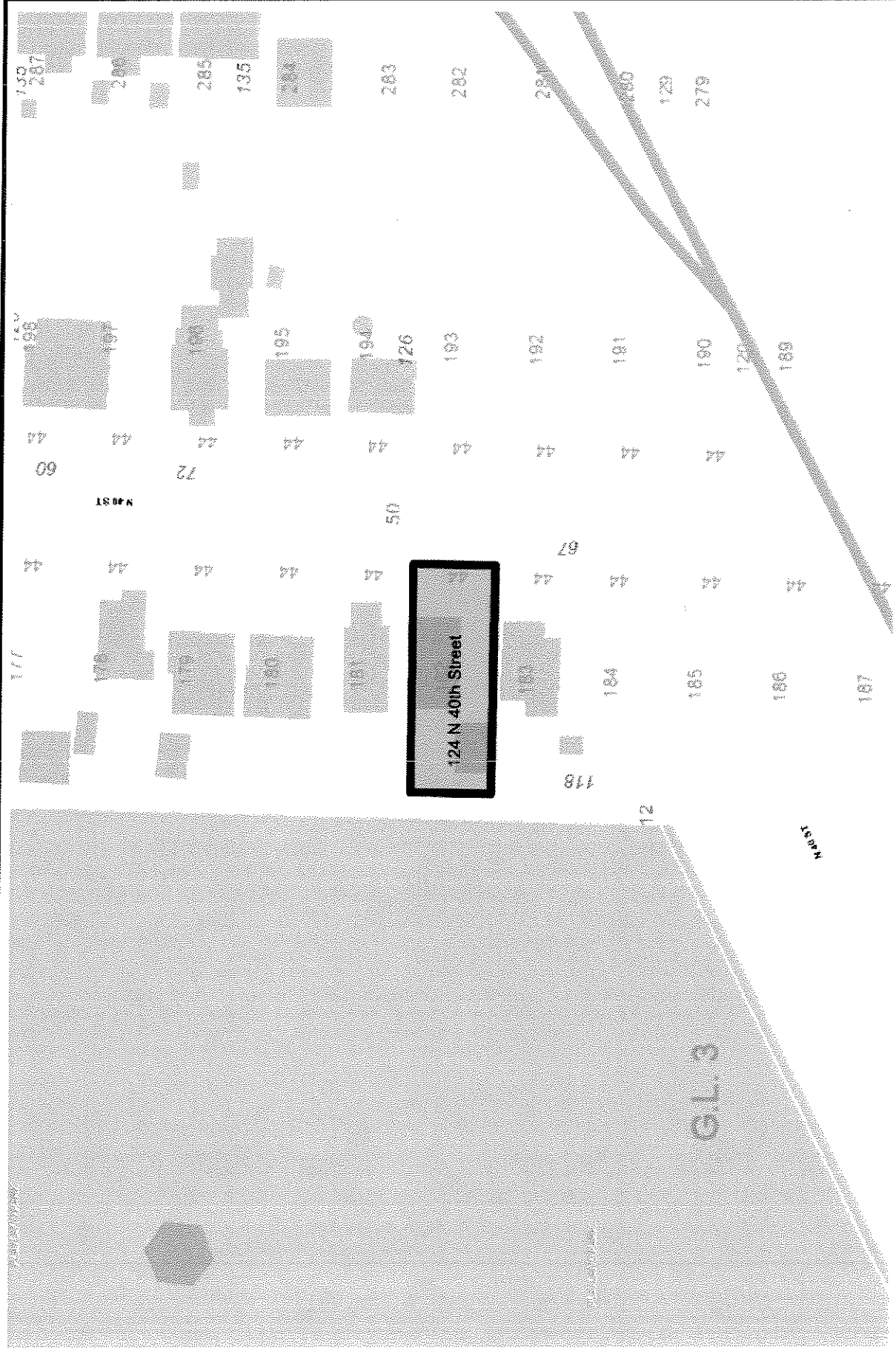
ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>10-132</u>	City Council: April 26, 2010 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
Acquisition of property at 124 North 40 th Street as part of the Playland Park Urban Renewal Project.		
Background/Discussion		
<p>Property located at 124 North 40th Street can be acquired on a voluntary basis from Dennis and Lori Fuller. This property is a single family rental and is located east of the Playland Park Redevelopment Project. Staff believes the property should be acquired and added to existing City owned properties to the west.</p> <p>A purchase agreement has been negotiated and executed for the acquisition of the property pending City Council approval. Staff requests City Council approve the purchase price of the property at \$73,500. The property was appraised for \$63,000. Playland Park Redevelopment Project account funds will be used to cover the cost of acquisition and demolition.</p>		
Staff Recommendation		
Approval of the resolution authorizing acquisition of the property at 124 North 40 th Street.		
Attachments		
Resolution and Map		

Submitted and Approved By: Donald D. Gross, Director



124 N 40th Street Acquisition

Users of the Portersville County GIS portal are hereby notified that the use of all data, including but not limited to Portersville County and its officers, employees, and agents, furnished from any source, whether by contract or otherwise, is provided for informational purposes only. The use of this data, including but not limited to Portersville County and its officers, employees, and agents, is not intended to be used for any purpose other than that for which it was provided. The use of this data, including but not limited to Portersville County and its officers, employees, and agents, is not intended to be used for any purpose other than that for which it was provided. The use of this data, including but not limited to Portersville County and its officers, employees, and agents, is not intended to be used for any purpose other than that for which it was provided.

RESOLUTION NO. 10-132

A RESOLUTION AUTHORIZING THE ACQUISITION OF 124 NORTH 40th STREET AS PART OF THE PLAYLAND PARK REDEVELOPMENT PROJECT.

- WHEREAS,** a single family property located at 124 North 40th Street can be acquired; and
- WHEREAS** said property is located adjacent to the Playland Park Redevelopment Project; and
- WHEREAS** the property can be acquired voluntarily; and
- WHEREAS** sufficient funds are available in the Playland Park Redevelopment Project account to acquire and demolish the property; and
- WHEREAS,** a real estate offer has been executed subject to City Council approval in the amount of \$73,500.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

That the acquisition of 124 North 40th Street is hereby approved as part of the Playland Park Redevelopment Project.

ADOPTED

AND

APPROVED: April 26, 2010

Thomas P. Hanafan Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication

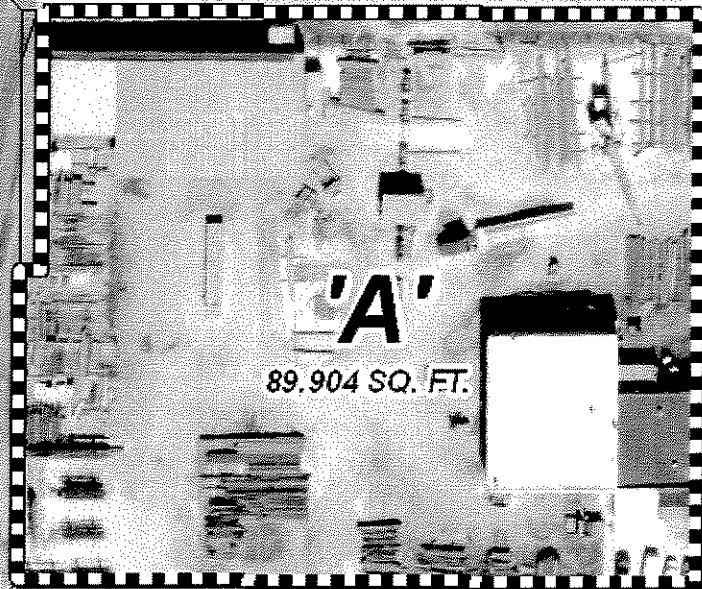
Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>10-133</u>	City Council: April 26, 2010 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
Acquisition of five parcels in the vicinity of 2nd Avenue and South 11 th Street owned by Community Housing Investment Corporation, formerly Katelman Foundry properties, as part of the Mid-City Corridor Project.		
Location		
Map and legal descriptions attached to resolution.		
Background/Discussion		
<p>As a component of the City's Community Development Program, a Neighborhood Revitalization Strategy Area (NRSA) was adopted on August 10, 1998 by Resolution Number 98-201. One of the recommendations of the NRSA was developing a long range program of blight removal in the Mid-City Corridor area. Subsequent to the NRSA, the City established the Mid-City Corridor as an urban renewal area. This area is bounded by Avenue G on the north, 10th Street on the east, 5th Avenue on the south and 13th Street on the east. One of the objectives of the urban renewal area plan is the acquisition of vacant and blighted properties in the railroad corridor for eventual redevelopment. These efforts include the extension of the City's trail system, realignment and construction of public infrastructure, railroad consolidation and the development of open space and recreational uses. The City has received Neighborhood Stabilization Program (NSP) funds from the Iowa Department of Economic Development (IDED) through the U.S. Department of Housing and Urban Development for the acquisition of foreclosed and/or vacant properties, which can be utilized for the Mid-City Corridor Project.</p> <p>The Community Development Department has been in contact with the Community Housing Investment Corporation (CHIC) on the acquisition of five parcels in the vicinity of 2nd Avenue and South 11th Street (see attached map). These properties were formerly the Katelman Foundry site. A purchase agreement has been negotiated and executed for the acquisition of the property pending City Council approval and clearance from the Iowa Department of Economic Development. The purchase price of the property is \$37,000. NSP funds will be used to cover the cost of acquisition.</p>		
Staff Recommendation		
Approval of the resolution authorizing acquisition of the property contingent upon receiving clearance from the Iowa Department of Economic Development.		
Attachments		
Resolution and map.		

Submitted By: Tina Hochwender, Project Coordinator

Approved By: Donald D. Gross, Director

ATTACHMENT 'A'
CHIC PROPERTY HOLDINGS

2nd Avenue



'A'
89,904 SQ. FT.



'D'
11,800 SQ. FT.

South 11th Street

3rd Avenue

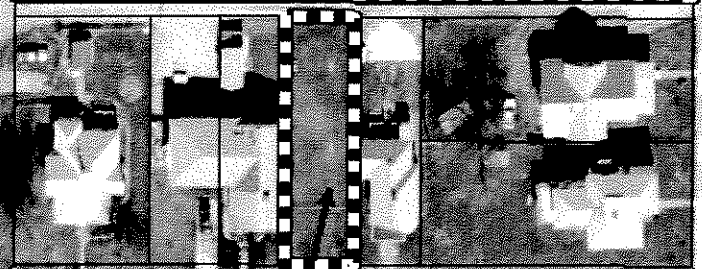


'B'
39,600 SQ. FT.



'E'
7,920
SQ. FT.

South 12th Street



'C'
3,960 SQ. FT.



4th Avenue

RESOLUTION NO. 10-133

A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY FROM COMMUNITY HOUSING INVESTMENT CORPORATION AS PART OF THE MID-CITY CORRIDOR PROJECT.

- WHEREAS,** the City wishes to acquire five parcels of property owned by Community Housing Investment Corporation, formerly the Katelman Foundry site, located in the vicinity of 2nd Avenue and South 11th Street and as depicted in Attachment "A" for the Mid-City Corridor Project; and
- WHEREAS** the City adopted a Neighborhood Revitalization Strategy Area (NSA) on August 10, 1998 by Resolution Number 98-201 recommending the Mid-City Corridor Project; and
- WHEREAS** the Mid-City Corridor Project will involve the acquisition of vacant and blighted properties in the City's railroad corridors for eventual redevelopment and green space; and
- WHEREAS** Neighborhood Stabilization Program funds from the Iowa Department of Economic Development through the U.S. Department of Housing and Urban Development will be utilized for the acquisition of foreclosed and/or vacant properties in the Mid-City Corridor Project Area; and
- WHEREAS,** a real estate contract has been executed subject to City Council approval in the amount of \$37,000.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the acquisition of properties owned by Community Housing Investment Corporation as depicted in Attachment "A" are hereby approved contingent upon receiving clearance from the Iowa Department of Economic Development as part of the Mid-City Corridor Project.

ADOPTED
AND
APPROVED:

April 26, 2010

Thomas P. Hanafan Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department: <u>Public Works</u> Case/Project No. Applicant: <u>Hank Pangelina</u>	Ordinance No. _____ Resolution No. <u>10-134</u>	First Reading: <u>April 26, 2010</u> Second Reading Third Reading
Subject/Title		
Council consideration of a resolution abolishing one Sludge Applicator position , AFSCME Grade 19 and replacing it with a Plant Maintenance Mechanic position, AFSCME, Grade 20, effective June 5, 2010.		
Background/Discussion		
<ul style="list-style-type: none"> ▪ The Water Pollution Control plant currently has two employees that are AFSCME pay grade 19 Sludge Applicators. Their primary duty is to load, transport and land apply sludge produced by the WPC plant to farm ground. The plant produced only liquid sludge until 1997 and land application required many man hours. At that time, a dewatering centrifuge was installed and most liquid sludge was processed into a drier cake. This meant much less material to haul to the field, resulting in less man hours spent on sludge. Liquid sludge was still applied any time the centrifuge was down for repairs because there was no back-up centrifuge. We have now purchased a second centrifuge and will spend even less hours working with sludge. One employee in this position can now meet our current job load nearly all the time. We can allow others to work as Acting Sludge Applicator should the need arise. ▪ We currently have one employee in the Plant Maintenance Mechanic position, AFSCME pay grade 20. The Plant Maintenance Mechanic is responsible for routine and emergency repair, maintenance and upkeep of all process equipment, building HVAC, plumbing, backflow prevention, and fabrication of equipment repairs parts, hand and safety railing and so on. Our mechanical work load has increased steadily over the past several years to the point that one mechanic can no longer keep up. There are several reasons for this. One is that we have added major equipment and facilities such as the aeration basis, IFAS media and the ABI pump station. We will be adding the UV disinfection facility this year as well. Because wastewater equipment operates under harsh condition, timely mechanical attention is important. In order to keep up with the work, we have been using others to perform duties that would normally be Plant Maintenance Mechanic duties. ▪ There is an upcoming opportunity to change job classes to better match our current needs. One of the Sludge Applicator employees is scheduled to retire effective June 4 of this year. It is recommended to abolish one Sludge Applicator position upon his retirement and add a second Plant Maintenance Mechanic position. The change would be from AFSCME grade 19 position to an AFSCME grade 20 position. The wage increase would be \$1,037 for step 1 to \$1,608 for step 8 per year. 		

Recommendation

Council approval of a resolution abolishing one Sludge Applicator position and creating one Plant Maintenance Mechanic position, effective June 5, 2010.

Public Works Director

R E S O L U T I O N
NO. 10-134

RESOLUTION ABOLISHING A SLUDGE APPLICATOR POSITION AND
CREATING A PLANT MAINTENANCE MECHANIC POSITION IN THE
WATER POLLUTION CONTROL DIVISION OF THE PUBLIC WORKS DEPARTMENT
EFFECTIVE JUNE 5, 2010

- WHEREAS, the Water Pollution Control Division is striving to become more effective
 and efficient in accomplishing their workloads; and
- WHEREAS, it has been determined that the work required at this location would
 be better performed by replacing a Sludge Applicator position
 with a Plant Maintenance Mechanic position ; and
- WHEREAS, it is deemed to be in the best interest of the City of Council Bluffs to
 make this change.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That a Sludge Applicator position in the Water Pollution Control Division of the Public Works Department is hereby abolished and one additional Plant Maintenance Mechanic position is hereby established in its place.

ADOPTED
AND
APPROVED

April 26, 2010

Thomas P. Hanafan,

Mayor

ATTEST:

Marcia L. Worden,

City Clerk

Council Communication

Department: Finance Department Case/Project No. Applicant.	Ordinance No. Resolution No. <u>10-135</u>	First Reading April 26, 2010 Second Reading Third Reading _____
Subject/Title		
Resolution for Designation of Applicant's Authorized Representative.		
Background/Discussion		
<p>During December 2009 snow storms resulted in disruption of services and added costs for snow removal and other public safety efforts. In March these events were declared disasters 1877 and 1880 by the president of the United States. Accordingly funds may be available from the Federal Emergency Management Agency (FEMA). This agency requires that the city designate a person to serve as the designated applicant authorized representative to facilitate processing of documents and transfer of aid.</p> <p>Linda Andersen, Assistant Finance Director is nominated to serve in this capacity.</p>		
Recommendation		
We recommend that the city council approve the appointment of Linda Andersen as the designated applicant		

Department Head Signature

Mayor Signature

RESOLUTION NO. 10-135

RESOLUTION FOR DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE

WHEREAS, the Council Bluffs City Council appointed Linda Andersen, Assistant Finance Director as the "Designated Applicant Authorized Representative" for Presidential Declaration of Disaster #FEMA-1877-DR-IA (December 22-31, 2009) and #FEMA-1880-DR (January 19-26, 2010), for The City of Council Bluffs.

WHEREAS, the person named above can sign and file documents with Iowa Homeland Security and Emergency Management Division (HSEMD) for the purpose of obtaining Federal/State financial assistance under the Disaster Relief Act available from the President's Disaster Relief Fund and the Code of Iowa, Chapter 29C.

ADOPTED
AND
APPROVED April 26, 2010

Thomas P. Hanafan, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk